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U.S. COURTS
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CAMERON S. BURKE
CLERK IDAHO

Attorneys for Trustee, John H. Krommenhoek

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In Re:

Paul Rees Harward and
Janet Louise Harward,

Debtors.

Case No. 97-02754

APPLICATION FOR FINAL
COMPENSATION FOR
ATTORNEY OF TRUSTEE

Pursuant to Rule 2016 and Section 330(a) of the Bankruptcy Code, the law firm of Evans, Keane LLP, as attorney for Trustee, by and through its partner, Jed W. Manwaring, moves this Court for approval of compensation and reimbursement for costs in the total amount of \$7,800.62 Evans, Keane LLP, respectfully represents as follows:

I. <u>INFORMATION ABOUT THE APPLICANT AND APPLICATION.</u> The following information must be provided on all applicants for compensation and reimbursement of expenses:	
1. Date the bankruptcy petition was filed.	September 8, 1997
Date the application requesting approval of employment was filed.	September 16, 1997
Date the order approving employment of applicant	October 9, 1997

	was signed.	
	Identity of the party represented in this case.	John K. Krommenhoek
	Date services were first commenced.	September 16, 1997
	If applicant seeking compensation under a provision of the Bankruptcy Code other than Section 330, state which section.	
2.	Terms and conditions of employment and compensation.	Hourly rates plus costs subject to court approval.
	Source of compensation.	
	Identify the existence and terms controlling the use of any retainer received from any party for providing services in this case.	
	Identify any budgetary or other limitations on fees.	
3.	Names and hourly rates of applicant's professionals and paraprofessionals who are requesting compensation.	Jed W. Manwaring, partner- \$120/hr Michael Mc Donough, atty.- \$95/hr. Monica Moen, atty.- \$95/hr. Thomas Humphrey, atty.- \$95/hr. Jennifer Bills, paralegal- \$45/hr. J. C. Reiser, paralegal-\$45/hr.
	Explanation of any changes in hourly rates.	
	Is the requested compensation based on the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11?	Yes
4.	Application is for interim or final compensation.	Final
	Dates of previous orders concerning interim compensation or expenses for this applicant.	3/25/98
	Amount of compensation previously requested.	\$9,827.99
	Amount of compensation previously allowed by the Court.	\$9,827.99
	Amount of compensation and expenses paid to date.	None
	Amount of allowed compensation remaining unpaid to date	None

5.	Has the person on whose behalf the applicant is employed been given an opportunity to review the pending application.	Yes
	Has the person employing the applicant approved the requested amount.	Trustee to review.
6.	If the application filed less than 120 days after the order of relief or after a prior application was filed with the Court please state the date and terms of the order allowing the shortened period.	N/A
7.	State time period of the services or expenses covered by the application.	January 1, 1998 to Present.
II. <u>CASE STATUS.</u> The following information should be provided to the extent that it is known or can reasonably be ascertained by the applicant.		
1.	If a Chapter 7 case, then	
	All funds received and disbursed by the trustee to date.	\$53,247.06 received; \$13,531.56 disbursed
	Date a final accounting is expected to be filed by the trustee.	Unknown.
	If the application is seeking an interim award, are there any other administrative expenses of equal or higher rank which are or will be prejudiced by payment of this claim.	
2.	If a Chapter 11 case, then	
	Has a plan and disclosure statement been filed?	
	If your answer to 2a is no, then state date when disclosure statement and plan is expected to be filed.	
	Have all of the monthly operating reports been filed?	
	Have all Chapter 11 Quarterly Fees been paid current to the United States Trustee?	
3.	<u>For All Chapters:</u>	

List the total amount of cash on hand or on deposit, which belongs to the estate.	\$39,715.50
List the amount and nature of accrued-unpaid administrative expenses.	None other than the Trustee's fees and expenses which are unknown to attorneys.
State the amount of unencumbered funds in the estate.	\$39,715.50
<p>III. PROJECT SUMMARY.</p> <p>All time and service entries should be arranged by project categories. Separate project categories should be used for administrative matters and fee application preparation.</p> <p>a. Description of the project, its necessity and benefit to the estate and the status of the project including all pending litigation for which compensation and reimbursement are requested.</p> <p>b. Identification of each person providing billable services on the project.</p> <p>c. A statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional for each project; and</p> <p>d. Itemized time and service entries, as appropriate.</p>	<p>LIST OF PROJECTS CATEGORIES.</p> <p>1. Fee/Employment Applications</p> <p>2. Asset Analysis, Recovery and Disposition.</p> <p>3. Claims Administration, Objections to Claims, and Stay Proceedings.</p> <p>4. Litigation: <u>Krommenhoek vs. K&L Development, LLC</u>, Adv. No. 97-6334.</p> <p>5. Litigation: <u>Krommenhoek vs. The Corporation of the Presiding Bishop of LDS Church</u>, Adv. No. 98-6009.</p>

PROJECT NO 1: FEE\EMPLOYMENT APPLICATIONS

a. Description \ Necessity \ Benefit:

The Attorneys for the Trustee prepared Fee/Employment Applications necessary to be approved by the court and to obtain compensation. The estate benefited by having full disclosure, review and opportunity for objection, if any. The services described below include work for both the Application for Interim Compensation filed, approved last year, and in addition the present Application for Final Compensation.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/08/98	JB	Review files and begin preparation of Application for Interim Compensation.	1.50	67.50
01/13/98	JB	Obtain and incorporate December billing into Interim Application for Compensation draft.	0.50	22.50

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/14/98	JWM	Edit allocation of project time entries on Application for Interim Compensation.	0.50	60.00
01/14/98	JB	Finalize draft of Interim Application inserting costs and disbursements and reconciling calculations.	1.40	63.00
01/28/98	JB	Work on Application for Compensation	1.00	45.00
02/04/98	JWM	Work on Application for Interim Compensation	1.00	120.00
03/03/98	JWM	P1, Telcon with creditor re: Application.	0.20	24.00
03/25/98	JWM	P1, Draft proposed order and attend hearing on Application for Interim Attorney Fees.	0.20	24.00
04/19/99	JCR	P1, Prepare Final Application for Final Compensation.	3.5	157.50
04/23/99	JWM	P1, Edit and finalize Application for Final Compensation.	1.5	180.00
05/04/99	JCR	P1, Finalize Application for Compensation.	0.30	13.50
05/04/99	JWM	P1, Final Review of Application for Compensation.	0.30	36.00
		TOTAL -PROJECT 1	11.9	813.00 S

TOTALS	Jed W. Manwaring (JWM) - Attorney	3.7	444.00
	J. C. Reiser (JCR)- Paralegal	3.8	171.00
	Jennifer Bills (JB) - Paralegal	4.4	198.00

TOTAL FEES-PROJECT 1

Disbursements and Expenses	
Photocopies	\$119.36
Postage	\$46.86
TOTAL COSTS AND DISBURSEMENTS - PROJECT 1	\$166.22

PROJECT NO 2: ASSET ANALYSIS, RECOVERY AND DISPOSITION.

b. Description \ Necessity \ Benefit:

The bulk of the debtors' home inventory was sold in 1997. Beginning in 1998, the debtors had two homes available for the Trustee to sell. The Trustee's attorneys assisted in the sale of the home on Birch Lane. Negotiations were conducted with lienholders in order to allow the sale to proceed. As a result of the efforts, \$6,600.00 was netted to the estate, subject to a claim of security interest as detailed in the next project. The second remaining home on Stonhedge was negotiated for sale by the attorneys but ultimately the buyers backed out and there was not sufficient

equity to continue to pursue the sale of the home in the face of a pending motion to lift stay. The Trustee's attorneys continued to work on liens for which funds had been reserved on prior sales of homes. Several of those liens were defeated resulting in an additional \$9,800.00 being obtained for the Trustee free and clear of the construction claim of lienholders.

The attorneys for the Trustee, through the use of a paralegal, reviewed four bank accounts used by the debtors in order to analyze whether or not any preferential payments were made. No viable preferential claims were found.

The estate benefited by the above services by obtaining an additional \$17,800.00 between the sale of the home, voiding of claim of liens, and two other miscellaneous recoveries from overpayments on home sales. The work was necessary in order to obtain said funds. Because of the numerous interrelating business bank accounts, the preference review was conducted by the Trustee's attorneys rather than in-house. Although no viable preferences were found, the work had to be performed to satisfy the Trustee's due diligence.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/13/98	JWM	Telcon from Larry Ashcraft re: verification of lien and closing of Stonehenge (.20); review liens on Stonehenge (.10); telcon with subcontractor interested in buying half-finished home (.40).	0.70	84.00
01/15/98	JWM	Receive and review correspondence from Ashcraft re: lien verification on C&J Excavation and draft correspondence to same.	0.40	48.00
01/20/98	JWM	Telcon from Tanner re: lien claim of Ken Ferguson failure of 24-hr mailing.	0.40	48.00
01/28/98	JWM	P2, Receive and review title report from Pioneer Title on Birch Lane.	0.30	36.00
01/30/98	JWM	P2, Telcon from Ashcraft's office re: C&J Excavation's lien verification.	0.20	24.00
02/02/98	JWM	P2, Telcon from potential buyer re: title problems with lien.	0.30	36.00
02/03/98	JB	P2, Draft Vendor Preference Table.	3.60	162.00
02/04/98	JWM	P2, Telcon from Trustee and C&J re: C&J Excavation's lien verification (.30); review Sierra View file for unverified liens and uncleared checks to claim (.50).	0.80	96.00
02/04/98	JB	P2, Draft Vendor Preference Table.	5.00	225.00
02/05/98	JWM	P2, Review preference check table for possible claims, telcon with Harward re: Laude check and bank statement.	0.50	60.00
02/05/98	JB	P2, Meeting with JWM re: Laude check and bank statement.	0.30	13.50
02/08/98	JB	P2, Revise Vendor Preference Table.	1.70	76.50
02/10/98	JWM	P2, Receive and review correspondence from Ashcraft re: lien verification on C&J Excavation (.20); meet with Trustee re: status of sales and case (.30).	0.50	60.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
02/18/98	JWM	P2, Telcon from Trustee re: sale to close – need Trustee's Deed and confer with Realtor on payoffs (.10); revise Trustee's Deed on Birch Lane and telcon with Pioneer Title Co. re: closing and instructions (.30).	0.40	48.00
02/19/98	JWM	P2, Receive and review proposed closing statement from Pioneer Title on Birch Lane and review with Trustee (.40); telcon with title co. re: Deed revision and closing statement changes (.50); edit and final Trustee's Deed (.20); attend closing at Pioneer Title company (.80).	1.90	228.00
02/23/98	JWM	P2, Telcon from Neal re: Return of fees on sale of Birch Lane.	0.10	12.00
03/02/98	JWM	P2, telcon from Neal and call to Realtor re: status of Stonehenge sale.	0.30	36.00
03/20/98	JWM	P2, telcon with Krommenhoek re: closing of Stonehenge and heating problem.	0.40	48.00
03/25/98	JWM	P2, edit and final Trustee's Deed on Stonehenge property, confer with client and realtor on closing, and transmit to Pioneer Title.	0.40	48.00
03/30/98	JWM	P2, telcon from creditor claiming lien on home.	0.20	24.00
04/08/98	JWM	P2, telcon from Gary and to Neal re: closing of Stonehenge.	0.20	24.00
04/09/98	JWM	P2, meeting with Krommenhoek and Telcon with realtor on closing of Stonehenge.	0.20	24.00
07/11/98	JWM	P2, draft memo and instruct MJM on handling of hearing on Monday re: Objections to Claims.	0.50	60.00
07/20/98	JWM	P2, meeting with Krommenhoek re: status of case (.30).	0.30	36.00
07/28/98	JWM	P2, Telcon from Pioneer Title re: status of challenged liens.	0.20	24.00
08/03/98	MM	P2, Telcon with Pioneer Title re: reissuing two checks, draft letter to Pioneer re: same.	0.30	28.50
08/10/98	JWM	P2, Telcon from Diddle re: status of lost sale.	0.20	24.00
09/16/98	JWM	P2, Meeting with Krommenhoek and status of case.	0.10	12.00
02/05/99	JCR	P2, Acquired documents to review for 90-day preferential payments.	0.20	9.00
02/08/99	JCR	P2, Worked on updating 90-day preference review.	2.00	90.00
02/10/99	JCR	P2, Continued working on 90 day preference.	1.00	45.00
02/24/99	JWM	P2, Edit and review paralegal analysis preferences and draft correspondence to Trustee re: same.	0.40	48.00
03/05/99	JWM	P2, Telcon with Trustee re: escrow deposit dispute.	0.20	24.00
03/23/99	JWM	P2, Telcon from Moffatt Thomas; directed Trustee		

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
		to pay \$2,000.00 settlement.	0.10	12.00
		TOTAL -PROJECT 2	24.3	\$ 1873.50

TOTALS	Jed W. Manwaring (JWM) - Attorney	10.2	1,224.00
	Monica Moen (MM)- Attorney	0.30	28.50
	Jennifer Bills (JB) - Paralegal	10.6	477.00
	J. C. Reiser (JCR) - Paralegal	3.2	144.00

TOTAL FEES-PROJECT 2

Disbursements and Expenses	
Photocopies	\$27.00
Postage	\$ 5.70
Telephone (long distance)	\$ 3.11
Computer Assisted Legal Research-Lexis-Nexus	\$ 7.83
TOTAL COSTS AND DISBURSEMENTS - PROJECT 2	\$43.64

PROJECT NO 3: CLAIMS ADMINISTRATION, OBJECTIONS TO CLAIMS AND STAY PROCEEDINGS:

c. Description \ Necessity \ Benefit:

The attorney firm for the Trustee assisted in reviewing numerous claims of lien and motions to lift stay on the debtors' existing home inventory. The firm assisted the Trustee in evaluating whether or not equity existed in the home subject to the stay lift. The Trustee did not oppose several of the stay lifts, but nevertheless had to verify the lack of equity as part of his due diligence. The firm assisted the Trustee in reviewing the exemption dispute which arose between the Trustee and the debtors. An acceptable stipulation was negotiated on behalf of the Trustee.

The firm objected to several of the claims of lien by contractors for which pending payments existed but for which the claims of lien were defective. The firm successfully represented the Trustee in defeating those claims of lien through the claims objection process resulting in \$9,800.00 being obtained for the estate as described in Project No. 2.

The stay lifts further spawned state court litigation in which the claim of lien holders and the secured parties on certain properties began state court litigation. Of necessity, several of those involved the Trustee's name and the Trustee's attorneys reviewed numerous state court documents in order to monitor that the estate was not being improperly pursued or held for any damages.

The above services were necessary in order to have a timely and controlled administration of the estate. The estate benefited by having adequate representation to defeat liens and further to avoid unnecessary litigation on claims which were viable.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/06/98	JWM	Telcon and transmittal from Meuleman & Miller Re: release of Ashley Glass.	0.20	24.00
01/08/98	JWM	Meet with Trustee re: status of sales and exemption objection-computers and tools of trade.	0.30	36.00
01/15/98	JWM	Receive and review proposed stipulation from Gem State to lift stay.	0.20	24.00
01/19/98	JWM	Telcon from Neal re: request for stay lift on Birch Lane and Stonehenge.	0.20	24.00
01/20/98	JWM	Telcon from Diddle re: stip to lift stay.	0.30	36.00
01/23/98	JWM	Receive and review correspondence and proposed stipulation to lift stay from Brown for Gem State (.20); receive and review proof of claim from Eismann (.10).	0.30	36.00
01/26/98	JWM	P3, Telcon from Trustee re: exemption issues for hearing tomorrow.	0.20	24.00
01/27/98	JWM	P3, Prepare for and attend hearing on Motion to Set Aside Order Disallowing Exemption.	0.40	48.00
01/29/98	JWM	P3, Receive and review Order to Annul Stay.	0.20	24.00
01/29/98	JWM	P3, Telcon from Fitzgerald re: Stay lift on liened homes.	0.20	24.00
02/03/98	JWM	P3, Telcon from Diddle re: Franklin Stay lift proposal.	0.20	24.00
02/05/98	JWM	P3, Receive and review Proof of Claim from First American Title Co. claiming all lien holder liens.	0.30	36.00
02/06/98	JWM	P3, Receive and review proposed stipulation to lift stay from Franklin Building Supply.	0.30	36.00
02/09/98	JWM	P3, Telcon from Diddle re: revision of stay lift stipulation.	0.20	24.00
02/11/98	JWM	P3, Receive and review proposed stipulation to lift stay for Franklin Building and call to Diddle re: revision of property descriptions.	0.30	36.00
03/16/98	JWM	P3, Telcon from Houst and review proposed Stipulation to Lift Stay for Shilo Plumbing.	0.20	24.00
04/06/98	JWM	P3, Receive and review correspondence and proposed stipulation from Neal and telcon with same; telcon with Krommenhoek re: no stip.	0.30	36.00
04/07/98	JWM	P3, Telcon with Neal re: stay lift request.	0.20	24.00
04/22/98	JWM	P3, Telcon with Krommenhoek re: Neal's request for stay lift.	0.20	24.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
05/27/98	JWM	P3, Draft Objections to Claim of Liens and request to reissue checks on Sierra View property to Trustee.	1.50	180.00
07/13/98	MJM	P3, Prepare for hearing re: objections to claims of lien (.50); attend hearing (.60); draft memo to the file (.10).	1.20	114.00
07/16/98	JWM	P3, Confer with MJM as to results of last hearing on Objections to claim.	0.30	36.00
07/20/98	JWM	P3, receipt and review Summary Order on Objection to Claims.	0.40	48.00
07/23/98	MJM	P3, Review Summary Order from Bankruptcy Court and draft letter to Ms. Coontz at Pioneer Title.	0.30	28.50
08/12/98	JWM	P3, Receive and review Summons and Complaint in state court from Franklin Building Supply and execute Acceptance of Service.	0.20	24.00
08/20/98	JWM	P3, Receive and review Summons and Complaint with Acceptance of Service on state court foreclosures (.40); receive and review stipulation for stay lift from Franklin Building Supply and transmit to Clark (.20).	0.60	72.00
		TOTAL -PROJECT 3	9.2	\$ 1,066.50

TOTALS	Jed W. Manwaring (JWM) - Attorney	7.7	\$924.00
	Michael J. McDonough (MJM) – Atty.	1.5	\$142.50

TOTAL FEES-PROJECT 3

Disbursements and Expenses	
Photocopies	\$13.20
Postage	\$3.85
TOTAL COSTS AND DISBURSEMENTS - PROJECT 3	\$17.05

**PROJECT NO.4: LITIGATION : KROMMENHOEK vs. K & L DEVELOPMENT, LLC,
CASE NO.97-6334**

a. Description \ Necessity \ Benefit:

As detailed in Project No. 2, the Trustee obtained the equity from the sale of the Birch Lane property in the amount of \$6,600.00. These proceeds were encumbered by a potential security interest claimed by K & L Development.

Part of the security interest was a preferential transfer and part was claimed to be the result of previous contemporaneous transfers. The attorney firm for the Trustee pursued litigation against K & L Development in order to void and defeat the secured party's claim of security interest. The firm prepared and pursued a motion for summary judgment which was largely successful leaving K & L Development at a disadvantage with only lesser issues of fact to be tried. As a result of the partially successful opinion on summary judgment, a beneficial settlement was reached whereby \$2,000.00 of the proceeds were distributed to the defendant and the estate retained \$4,600.00. The firm negotiated the settlement and obtained approval of the court thereby dismissing the litigation.

The services described were necessary in order to obtain approximately \$4,600.00 for the estate free and clear of the purported security interest. Without the litigation, the estate would have had no equity in the proceeds from the sale of the Birch Lane home.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/16/98	JWM	Review complaint and documents in preparation for settlement meeting (1.5); meet with John Ward and Rob Dickinson at Moffatt Thomas to discuss facts and settlement possibilities (.10).	1.60	192.00
01/21/98	JWM	Draft correspondence to Trustee and telcon with same re: K&L Dev. Proposal (.30); telcon with John Ward for K&L Dev. (.20).	0.50	60.00
01/22/98	JWM	Receive and review Pretrial Statement from defendant K&L Dev (.30); draft Plaintiff's Pretrial Statement (.80).	1.10	132.00
01/29/98	JWM	P4, Instruct MJM on issues for Pretrial Conference and subsequent Motion for Summary Judgment.	0.20	24.00
01/29/98	MJM	P4, Prepare for and attend status conference against K&L.	0.80	76.00
02/10/98	JWM	P4, Receive and review correspondence from Dickenson with documents from K&L; analyze documents re: future advance clause in Deed of Trust (.70); telcon with Harward re: advances of K&L.	1.00	120.00
02/11/98	JWM	P4, Telcon from Dickenson re: K&L records and telcon with Harward re: verifications of records.	0.40	48.00
02/12/98	JWM	P4, Telcon with Harward re: K&L invoices claimed as setoffs.	0.50	60.00
02/17/98	JWM	P4, Telcon with Dickenson re: settlement possibilities x 2 (.20); meeting with Trustee re: evaluate documents and offer, counteroffer to Dickenson (.40); draft correspondence to Ward and Dickenson with counteroffer (.50).	1.10	132.00
02/18/98	JWM	P4, Telcon from Dickenson x2 and confer with Trustee on counteroffer of \$1000.00 from K&L (.20); receive and review stipulation to extend time on Summary Judgment (.10).	0.30	36.00
02/25/98	JWM	P4, Telcon from Dickenson re: closing of sale on Birch Lane; telcon from Trustee re: payoff increased.	0.20	24.00
02/26/98	JWM	P4, Edit MJM's draft of Motion for Summary Judgment and Affidavit in	0.40	48.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
		support.		
02/26/98	MJM	P4, Review stipulation for continuance (.10); analyze documents provided by counsel for defendant (.30); research avoidance of lien when contract has been fulfilled (.40); draft motion for summary judgment (.50); draft affidavit in support of it (.30).	1.60	152.00
02/27/98	MJM	P4, Revise and edit summary judgment memorandum and affidavit per JWM's suggestions (.20); draft letter to debtor re: affidavit (.10); telephone conference with debtor re: affidavit (.20); revise affidavit per debtor's addition (.20).	0.70	66.50
03/02/98	JWM	P4, Confer with MJM on Motion for Summary Judgment.	0.10	12.00
03/12/98	JWM	P4, Telcon from Dickenson re: facts and amendment to answer.	0.20	24.00
03/17/98	JWM	P4, Receive and review K&L Dev.'s Motion for Summary Judgment, affidavit and memo in support and instruct MJM on response (.50); telcon with Dickenson re: amendment to answer and draft correspondence to Dickenson re: same (.30); research post-petition advances and future advance clauses (1.0); telcon with Krommenhoek re: it (.20).	2.00	240.00
03/18/98	JWM	P4, Receive and review Motion to Amend, Memo in Support, Affidavit in Support and Notice of Hearing.	0.30	36.00
03/20/98	JWM	P4, Edit and final Reply Memo in response to K&L cross motion for Summary Judgment.	0.30	36.00
03/20/98	MJM	P4, Analyze cross motion for summary judgment, affidavit in support of same, and memorandum in support of same (.50); research post petition transfers (.20); research enforceability of future advance clauses in deeds of trust (.30); telcon with debtor (.20); analyze payment dates of advances relative to petition date (.20); research voluntary payments under Idaho law (.30); research consideration sufficient to alter contract (.20); draft reply memorandum in support of summary judgment (2.30); draft supplemental affidavit re: it (.20).	4.40	418.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
03/23/98	JWM	P4, Prepare for and attend hearing on cross motions for Summary Judgment.	2.30	276.00
04/03/98	JWM	P4, Receive and review response brief from defendants.	0.20	24.00
04/08/98	JWM	P4, Receive and review Affidavit of debtors.	0.20	24.00
04/08/98	MJM	P4, Receive and review Defendant's response to reply memorandum.	0.30	28.50
09/16/98	JWM	P4, Confer with client on status of adversary.	0.10	12.00
09/30/98	JWM	P4, Receive and review state court service and Summons in foreclosure.	0.10	12.00
02/04/99	JWM	P4, Telcon with Paul Harwood re: facts and issues for trial.	0.20	24.00
02/05/99	JWM	P4, Telcon with Ward x2 re: offer and counter offer; telcon with Trustee; draft correspondence to Ward re: settlement.	0.80	96.00
02/10/99	JWM	P4, Review pleadings and facts, draft Motion for Approval of Compromise and Notice of Hearing.	1.80	216.00
02/11/99	JWM	P4, Edit and final Motion for Approval of Compromise and Notice of Hearing	0.40	48.00
03/01/99	JWM	P4, Telcon from Kandie Clark re: stip to dismiss.	0.10	12.00
03/05/99	JWM	P4, Attend Hearing on Motion for Approval of Compromise with K&L Dev. (.80); draft and submit proposed Order (.40).	1.20	144.00
		TOTAL -PROJECT 4	25.4	\$2,853.00

TOTALS	Jed w. Manwaring (JWM) - Attorney	17.60	\$2,112.00
	Michael McDonagh (MJM) - Attorney	7.8	\$741.00

TOTAL FEES-PROJECT 4

Disbursements and Expenses	
Photocopies	\$100.72
Postage	\$132.80
Telephone (long distance)	\$7.82
Facsimile	\$2.26

Computer Assisted Legal Research/ Lexis-Nexus	\$60.61
TOTAL COSTS AND DISBURSEMENTS - PROJECT 4	\$304.21

PROJECT NO 5: LITIGATION - *KROMMENHOEK* vs *THE CORPORATION OF THE PRESIDING BISHOP OF THE LDS CHURCH*
Case No. 98-6009.

a. Description \ Necessity \ Benefit:

The debtors' record show that the in the year proceeding the bankruptcy petition, the debtors had paid approximately \$6,000.00 in charitable donations to the LDS Church. At the time of the bankruptcy petition and for several months thereafter, the status of the case law in this jurisdiction was that the Trustee could successfully obtain avoidance of those charitable contributions. Based upon that case law, the Trustee instructed the attorneys to pursue the avoidance of the charitable contributions pursuant to Bankruptcy Code § 548. The firm prepared the complaint, pursued discovery, and monitored other similar litigation and legislation. Ultimately, the previous case law favorable to the Trustee was overturned by the United States District Court, and the Trustee to that litigation, L. D. Fitzgerald, did not pursue an appeal. Furthermore, the Trustee was aware of pending legislation which was passed or likely to be passed, which would defeat the cause of action. Therefore, the Trustee instructed the firm not to pursue the cause of action and the case was dismissed.

Although the litigation was not successful, the attorneys performed the services on behalf of the Trustee under the existing case law which if not reversed, the Trustee would have pursued the claim. The services did not benefit the estate except that the Trustee was assisted in his due diligence in pursuing all viable claims, some of which, including this one, did not prevail. The attorneys were conservative in that the costs and expenses were kept at a minimum pending resolution of the charitable contribution dispute in other cases.

b.c.d. Identification of persons, hours, compensation requested and itemization:

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
01/08/98	TBH	Review file; telcon with Donna (x2); draft complaint and discovery re: tithing.	1.00	95.00
01/28/98	JWM	Receive and review correspondence from LDS Church counsels and instruct TBH on amendment.	0.20	24.00
01/29/98	TBH	P5, Draft Amended Pleadings against LDS Church.	0.20	19.00
03/02/98	JWM	P5, Receive and review answer and responses to discovery from LDS church.	0.20	24.00
03/05/98	JWM	P5, draft subpoena and correspondence to bishop.	0.30	36.00
03/11/98	JWM	P5, Receive and review correspondence from Church attorney and instruct TBH on response and Motion to Compel.	0.20	24.00
03/13/98	JWM	P5, Draft motions to turn over.	0.30	36.00
03/17/98	JWM	P5, Edit and revise Motion to Compel and Motion for turnover against LDS Church.	0.50	60.00
03/23/98	JWM		0.30	36.00

DATE	PERSON	DESCRIPTION	HOURS	COMPENSATION
		P5, Receive and review church response to Motion to Compel.		
04/03/98	TBH	P5, Draft Pretrial Statement.	0.30	28.50
04/21/98	TBH	P5, Review file and go to court to attend pretrial; telcon with court; telcon with client.	1.00	95.00
04/27/98	JWM	P5, Receive and review correspondence from church attorneys and call to Meier and Rakozzy re: other cases.	0.30	36.00
		TOTAL -PROJECT 5	4.8	\$513.50

TOTALS	Jed W. Manwaring (JWM) – Atty.	2.3	\$276.00
	Thomas Humphrey (TBH)-Atty.	2.5	\$237.50

TOTAL FEES-PROJECT 5

Disbursements and Expenses	
Court Filing Fees	\$150.00
TOTAL COSTS AND DISBURSEMENTS - PROJECT 5	\$150.00

IV. SUMMARY SHEET

Fees previously requested:	\$9,119.00
Fees previously awarded:	\$9,119.00
Expenses previously requested:	\$708.99
Expenses previously awarded:	\$708.99
Total retainer paid:	\$0
Current retainer balance:	\$0

CURRENT APPLICATION

Fees requested: \$7,119.50

Expenses requested: \$681.12

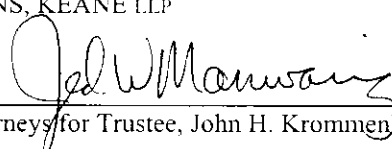
Total Requested: \$7,800.62

BILLING INFORMATION				
NAMES OF PROFESSIONALS	YEAR OF ADMISSION	HOURS BILLED	BILLING RATE	TOTAL FOR APPLICATION
PARTNERS				
Jed W. Manwaring	1983	41.50 hrs	\$120.00	\$4,980.00
ASSOCIATES				
Michael J. McDonagh	1994	9.3 hrs	\$95.00	\$883.50
Monica Moen	1998	.3 hrs	\$95.00	\$28.50
Thomas Humphrey	1991	2.5 hrs	\$95.00	\$237.50
PARAPROFESSIONALS				
Jennifer Bills – Paralegal		15 hrs	\$45.00	\$675.00
J. C. Reiser – Paralegal	1990	7.0 hrs.	\$45.00	\$315.00

TOTAL BLENDED HOURLY RATE (Excluding paralegal and other paraprofessionals)	\$114.35/hr
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Dated this 6 day of April, 1999.

EVANS, KEANE LLP

By 
Attorneys for Trustee, John H. Krommenhoek

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6 day of May, 1999, a true and correct copy of the foregoing document was served by first-class mail, postage prepaid, and addressed to; by fax transmission to; by overnight delivery to; or by personally delivering to or leaving with a person in charge of the office as indicated below:

Paul Rees Harward
1818 E. Glenloch
Meridian, ID 83642
Debtor

☒ U.S. Mail
☐ FAX
☐ Overnight Delivery
☐ Hand Delivery

D. Blair Clark
455 South Third
P. O. Box 2773
Boise, Idaho 83701
Attorney for Debtor

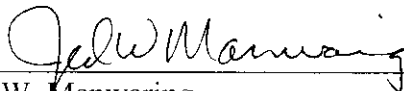
☒ U.S. Mail
☐ FAX
☐ Overnight Delivery
☐ Hand Delivery

John H. Krommenhoek, Trustee
P. O. Box 8358
Boise, ID 73706

☒ U.S. Mail
☐ FAX
☐ Overnight Delivery
☐ Hand Delivery

U.S. Trustee
P. O. Box 110
Boise, ID 83701

☒ U.S. Mail
☐ FAX
☐ Overnight Delivery
☐ Hand Delivery



Jed W. Manwaring